

J HPS

15 JUL 1979

MEMORANDUM FOR: Assistant General Counsel

ATTENTION:

FROM: James H. McDonald
Director of Logistics

SUBJECT: Administration Draft of Intelligence
Charter Legislation

REFERENCE: Multi adse memo dtd 21 June 79 fm AGC
same subj (OL 9 2568; OGC 79-05759)

1. Confirming the telephone conversation between yourself and members of my Plans and Programs Staff, subject draft has been reviewed and we have no comments concerning Titles I, II, III, V, VI, and VII.

2. Reference Section 407(b), Title IV, we recommend that the last five lines of the paragraph beginning with " . . . except that the Director of the Agency may specify by regulation . . .," be changed. Rather, we would prefer language along the lines of, "Regulations issued pursuant to Chapters 137 and 139 of Title 10 shall be followed to the maximum extent practicable."

3. We realize that this language would seem to give the Agency broad license in the procurement area, but it is the same philosophy expressed by the Comptroller General, unpublished opinion B-74185. The language we are recommending is also the same as that used by the Office of Federal Procurement Policy, Office of Management and Budget, in the letter of October 6, 1976, copy attached, which gave the Agency its exemption, and which is incorporated in the Agency's Headquarters Regulation . We would see the granting of a waiver by regulation to be a very cumbersome procedure, which would be detrimental to the Agency's procurement activities.

4. Please contact if
we can be of further assistance.

/s/ James H. McDonald

James H. McDonald

Att.

cc: ISS/DDA

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(10 Jul 79)

